

By: Farrar

H.B. No. 3554

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the admissibility of certain forensic analyses and
3 associated testimony regarding physical evidence in a criminal
4 case.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Article 38.35(d)(1), Code of Criminal Procedure,
7 is amended to read as follows:

8 (d)(1) Except as provided by Subsection (e), a forensic
9 analysis of physical evidence under this article and expert
10 testimony relating to the evidence are not admissible in a criminal
11 action if:

12 (A) the analysis and testimony are presented by
13 the state; and

14 (B) [~~7~~] at the time of the analysis, the crime
15 laboratory conducting the analysis was not accredited by the
16 commission under Article 38.01.

17 SECTION 2. Article 38.35, Code of Criminal Procedure, is
18 amended by amending Subsection (e) and adding Subsection (g) to
19 read as follows:

20 (e) If presented by the state, a [~~A~~] forensic analysis of
21 physical evidence under this article and expert testimony relating
22 to that [~~the~~] evidence are not inadmissible in a criminal action
23 based solely on the accreditation status of the crime laboratory
24 conducting the analysis if the laboratory:

1 (A) except for making proper application, was
2 eligible for accreditation by the commission at the time of the
3 examination or test; and

4 (B) obtains accreditation from the commission
5 before the time of testimony about the examination or test.

6 (g) Evidence that a crime laboratory holds a certificate of
7 accreditation issued by the commission under Article 38.01 is not
8 admissible in a criminal action for the purpose of establishing the
9 validity of a forensic analysis performed by the laboratory.

10 SECTION 3. This Act takes effect September 1, 2019.